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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,781	06/15/2001	Carla H. Kuhner	HER-0050	9997

7590 02/25/2003

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EXAMINER

NAVARRO, ALBERT MARK

ART UNIT	PAPER NUMBER
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1645

15

DATE MAILED: 02/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES DEPARTMENT OF COMMERCE  
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**Please find below a communication from the EXAMINER in charge of this application**

Commissioner of Patents

The reply filed on December 2, 2002 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): Applicant's have elected a peptide having formula I wherein  $n = 2$ ,  $R_1$  = a  $C_1$  to  $C_{20}$  alkyl (including cycloalkyl) group, and  $X_2$  is Arg-Trp for prosecution, (page 4 of response). However, Applicant's have selected embodiments from the 4 page claim that do not match. For instance when  $n = 1$ ,  $R_1$  may be  $C_1$ - $C_{20}$  alkyl (page 79). However, Applicant's have elected  $n = 2$ , and on the second page of the claim when  $n = 2$ , despite having 32 possible  $R_1$  combinations with multiple optional substitutions, a  $C_1$ - $C_{20}$  alkyl is not recited. Applicant is again required to elect a single structure for examination, along with a statement as to which claims are encompassed by the elected structure.

Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or

correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY  
BE GRANTED UNDER 37 CFR 1.136(a).



Mark Navarro

Primary Examiner

February 23, 2003